

Do Not Enter. Thanks / pn

Appl. Serial No. 09/883,208  
Amendment of August 30, 2005  
Reply to Office Action of May 4, 2005

Listing of Claims:

Claim 1 (currently amended): A method to measure a perceived bit rate between a client and a server, the method comprising:

(1) identifying at least one transaction unit, said transaction unit including one or more message pairs;

(2a) if said transaction unit has only a single message pair, confirming that said single message pair does not overlap other message pairs outside of the transaction unit;

(2b) if said transaction unit has a plurality of message pairs, confirming that said message pairs are overlapping;-

(+3) measuring a number of bits transmitted between the client and the server over a time period duration of said at least one transaction unit; and

(24) adapting, by the server, a type of content to be sent to the client based on a measurement determined during act (+3), wherein:

~~the number of bits measured are included only within at least one transaction unit, and~~

~~the time period is a sum of time durations of each of the at least one transaction unit.~~

Claim 2 (currently amended): The method of claim 1, wherein:

the number of bits measured are included in a plurality of transaction units, and

the ~~time period~~ duration of act (3) is the sum of the time durations of each of the plurality of transaction units.

Claim 3 (currently amended): The method of claim 1, wherein act (+3) is performed on the server and ~~a respective one of the time durations~~ the duration of said at least one transaction unit is an amount of time from a beginning of a transmission, from the server, of a first response within the respective transaction unit to a time of a receipt, by the server, of a last acknowledgement within the respective transaction unit.

Claims 4-5 (canceled)